

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 431

AN ACT

To repeal sections 210.112, 210.498, and 210.565, RSMo,  
and to enact in lieu thereof six new sections relating  
to foster care and adoption promotion.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1       Section A. Sections 210.112, 210.498, and 210.565, RSMo,  
2       are repealed and six new sections enacted in lieu thereof, to be  
3       known as sections 143.1015, 210.112, 210.498, 210.565, 210.617,  
4       and 453.600, to read as follows:

5       143.1015. 1. In each taxable year beginning on or after  
6       January 1, 2011, each individual or corporation entitled to a tax  
7       refund in an amount sufficient to make a designation under this  
8       section may designate that one dollar or any amount in excess of  
9       one dollar on a single return, and two dollars or any amount in  
10       excess of two dollars on a combined return, of the refund due be  
11       credited to the foster care and adoptive parents recruitment and  
12       retention fund as established under section 453.600, hereinafter  
13       referred to as the fund. If any individual or corporation that  
14       is not entitled to a tax refund in an amount sufficient to make a

1 designation under this section wishes to make a contribution to  
2 the fund, such individual or corporation may, by separate check,  
3 draft, or other negotiable instrument, send in with the payment  
4 of taxes, or may send in separately, that amount, clearly  
5 designated for the foster care and adoptive parents recruitment  
6 and retention fund, the individual or corporation wishes to  
7 contribute. The department of revenue shall deposit such amount  
8 to the fund as provided in subsections 2 and 3 of this section.  
9 All moneys credited to the fund shall be considered nonstate  
10 funds under the provisions of article IV, section 15 of the  
11 Missouri Constitution.

12 2. The director of revenue shall deposit at least monthly  
13 all contributions designated by individuals under this section to  
14 the state treasurer for deposit to the fund.

15 3. The director of revenue shall deposit at least monthly  
16 all contributions designated by corporations under this section,  
17 less an amount sufficient to cover the costs of collection and  
18 handling by the department of revenue, to the state treasury for  
19 deposit to the fund.

20 4. A contribution designated under this section shall only  
21 be deposited in the fund after all other claims against the  
22 refund from which such contribution is to be made have been  
23 satisfied.

24 5. Moneys deposited in the fund shall be distributed by the  
25 department of social services in accordance with the provisions  
26 of this section and section 453.600.

27 6. Under section 23.253 of the Missouri sunset act:

28 (1) The provisions of the new program authorized under this

1 section shall automatically sunset six years after August 28,  
2 2011, unless reauthorized by an act of the general assembly; and

3 (2) If such program is reauthorized, the program authorized  
4 under this section shall automatically sunset twelve years after  
5 the effective date of the reauthorization of this section; and

6 (3) This section shall terminate on December thirty-first  
7 of the calendar year immediately following the calendar year in  
8 which the program authorized under this section is sunset.

9 210.112. 1. It is the policy of this state and its  
10 agencies to implement a foster care and child protection and  
11 welfare system focused on providing the highest quality of  
12 services and outcomes for children and their families. The  
13 department of social services shall implement such system subject  
14 to the following principles:

15 (1) The safety and welfare of children is paramount;

16 (2) Providers of direct services to children and their  
17 families will be evaluated in a uniform and consistent basis;

18 (3) Services to children and their families shall be  
19 provided in a timely manner to maximize the opportunity for  
20 successful outcomes; and

21 (4) Any provider of direct services to children and  
22 families shall have the appropriate and relevant training,  
23 education, and expertise to provide the highest quality of  
24 services possible which shall be consistent with the federal  
25 standards, but not less than the standards and policies used by  
26 the children's division as of January 1, 2004.

27 2. On or before July 1, 2005, and subject to  
28 appropriations, the children's division and any other state

1 agency deemed necessary by the division shall, in consultation  
2 with the community and providers of services, enter into and  
3 implement contracts with qualified children's services providers  
4 and agencies to provide a comprehensive and deliberate system of  
5 service delivery for children and their families. Contracts  
6 shall be awarded through a competitive process and provided by  
7 children's services providers and agencies currently contracting  
8 with the state to provide such services and by public and private  
9 not-for-profit or limited liability corporations owned  
10 exclusively by not-for-profit corporations children's services  
11 providers and agencies which have:

12 (1) A proven record of providing child welfare services  
13 within the state of Missouri which shall be consistent with the  
14 federal standards, but not less than the standards and policies  
15 used by the children's division as of January 1, 2004; and

16 (2) The ability to provide a range of child welfare  
17 services, which may include case management services,  
18 family-centered services, foster and adoptive parent recruitment  
19 and retention, residential care, in-home services, foster care  
20 services, adoption services, relative care case management,  
21 planned permanent living services, and family reunification  
22 services.

23  
24 No contracts shall be issued for services related to the child  
25 abuse and neglect hotline, investigations of alleged abuse and  
26 neglect, and initial family assessments. Any contracts entered  
27 into by the division shall be in accordance with all federal laws  
28 and regulations, and shall not result in the loss of federal

1 funding. Such children's services providers and agencies under  
2 contract with the division shall be subject to all federal,  
3 state, and local laws and regulations relating to the provision  
4 of such services, and shall be subject to oversight and  
5 inspection by appropriate state agencies to assure compliance  
6 with standards which shall be consistent with the federal  
7 standards, but not less than the standards and policies used by  
8 the children's division as of January 1, 2004.

9 3. In entering into and implementing contracts under  
10 subsection 2 of this section, the division shall consider and  
11 direct their efforts towards geographic areas of the state,  
12 including Greene County, where eligible direct children's  
13 services providers and agencies are currently available and  
14 capable of providing a broad range of services, including case  
15 management services, family-centered services, foster and  
16 adoptive parent recruitment and retention, residential care,  
17 family preservation services, foster care services, adoption  
18 services, relative care case management, other planned living  
19 arrangements, and family reunification services consistent with  
20 federal guidelines. Nothing in this subsection shall prohibit  
21 the division from contracting on an as-needed basis for any  
22 individual child welfare service listed above.

23 4. The contracts entered into under this section shall  
24 assure that:

25 (1) Child welfare services shall be delivered to a child  
26 and the child's family by professionals who have substantial and  
27 relevant training, education, or competencies otherwise  
28 demonstrated in the area of children and family services;

1           (2) Children's services providers and agencies shall be  
2 evaluated by the division based on objective, consistent, and  
3 performance-based criteria;

4           (3) Any case management services provided shall be subject  
5 to a case management plan established under subsection 5 of this  
6 section which is consistent with all relevant federal guidelines.  
7 The case management plan shall focus on attaining permanency in  
8 children's living conditions to the greatest extent possible and  
9 shall include concurrent planning and independent living where  
10 appropriate in accordance with the best interests of each child  
11 served and considering relevant factors applicable to each  
12 individual case as provided by law, including:

13           (a) The interaction and interrelationship of a child with  
14 the child's foster parents, biological or adoptive parents,  
15 siblings, and any other person who may significantly affect the  
16 child's best interests;

17           (b) A child's adjustment to his or her foster home, school,  
18 and community;

19           (c) The mental and physical health of all individuals  
20 involved, including any history of abuse of or by any individuals  
21 involved;

22           (d) The needs of the child for a continuing relationship  
23 with the child's biological or adoptive parents and the ability  
24 and willingness of the child's biological or adoptive parents to  
25 actively perform their functions as parents with regard to the  
26 needs of the child; and

27           (e) For any child under ten years old, treatment services  
28 may be available as defined in section 210.110. Assessments, as

1 defined in section 210.110, may occur to determine which  
2 treatment services best meet the child's psychological and social  
3 needs. When the assessment indicates that a child's needs can be  
4 best resolved by intensive twenty-four-hour treatment services,  
5 the division will locate, contract, and place the child with the  
6 appropriate organizations. This placement will be viewed as the  
7 least restrictive for the child based on the assessment;

8 (4) The delivery system shall have sufficient flexibility  
9 to take into account children and families on a case-by-case  
10 basis;

11 (5) The delivery system shall provide a mechanism for the  
12 assessment of strategies to work with children and families  
13 immediately upon entry into the system to maximize permanency and  
14 successful outcome in the shortest time possible and shall  
15 include concurrent planning. Outcome measures for private and  
16 public agencies shall be equal for each program; and

17 (6) Payment to the children's services providers and  
18 agencies shall be made based on the reasonable costs of services,  
19 including responsibilities necessary to execute the contract.  
20 Contracts shall provide incentives in addition to the costs of  
21 services provided in recognition of accomplishment of the case  
22 goals and the corresponding cost savings to the state. The  
23 division shall promulgate rules to implement the provisions of  
24 this subdivision.

25 5. Contracts entered into under this section shall require  
26 that a case management plan consistent with all relevant federal  
27 guidelines shall be developed for each child at the earliest time  
28 after the initial investigation, but in no event longer than

1     fourteen days after the initial investigation or referral to the  
2     contractor by the division. Such case management plan shall be  
3     presented to the court and be the foundation of service delivery  
4     to the child and family. The case management plan shall, at a  
5     minimum, include:

6             (1) An outcome target based on the child and family  
7     situation achieving permanency or independent living, where  
8     appropriate;

9             (2) Services authorized and necessary to facilitate the  
10    outcome target;

11            (3) Time frames in which services will be delivered; and

12            (4) Necessary evaluations and reporting.

13  
14    In addition to any visits and assessments required under case  
15    management, services to be provided by a public or private  
16    children's services provider under the specific case management  
17    plan may include family-centered services, foster and adoptive  
18    parent recruitment and retention, residential care, in-home  
19    services, foster care services, adoption services, relative care  
20    case services, planned permanent living services, and family  
21    reunification services. In all cases, an appropriate level of  
22    services shall be provided to the child and family after  
23    permanency is achieved to assure a continued successful outcome.

24            6. The division shall convene a task force to review the  
25    recruitment, licensing and retention of foster and adoptive  
26    parents statewide. In addition to representatives of the  
27    division and department, the task force shall include  
28    representatives of the private sector and faith-based community



1 which provide recruitment and licensure services. The purpose of  
2 the task force will be to study the extent to which changes in  
3 the system of recruiting, licensing, and retaining foster and  
4 adoptive parents would enhance the effectiveness of the system  
5 statewide. The task force shall develop a report of its findings  
6 with recommendations by December 1, 2011, and provide copies of  
7 the report to the general assembly and to the governor.

8 7. On or before July 15, 2006, and each July fifteenth  
9 thereafter that the project is in operation, the division shall  
10 submit a report to the general assembly which shall include:

11 (1) Details about the specifics of the contracts, including  
12 the number of children and families served, the cost to the state  
13 for contracting such services, the current status of the children  
14 and families served, an assessment of the quality of services  
15 provided and outcomes achieved, and an overall evaluation of the  
16 project; and

17 (2) Any recommendations regarding the continuation or  
18 possible statewide implementation of such project; and

19 (3) Any information or recommendations directly related to  
20 the provision of direct services for children and their families  
21 that any of the contracting children's services providers and  
22 agencies request to have included in the report.

23 [7.] 8. The division shall accept as prima facie evidence  
24 of completion of the requirements for licensure under sections  
25 210.481 to 210.511 proof that an agency is accredited by any of  
26 the following nationally recognized bodies: the Council on  
27 Accreditation of Services, Children and Families, Inc.; the Joint  
28 Commission on Accreditation of Hospitals; or the Commission on

1 Accreditation of Rehabilitation Facilities. The division shall  
2 not require any further evidence of qualification for licensure  
3 if such proof of voluntary accreditation is submitted.

4 [8.] 9. By February 1, 2005, the children's division shall  
5 promulgate and have in effect rules to implement the provisions  
6 of this section and, pursuant to this section, shall define  
7 implementation plans and dates. Any rule or portion of a rule,  
8 as that term is defined in section 536.010, that is created under  
9 the authority delegated in this section shall become effective  
10 only if it complies with and is subject to all of the provisions  
11 of chapter 536 and, if applicable, section 536.028. This section  
12 and chapter 536 are nonseverable and if any of the powers vested  
13 with the general assembly pursuant to chapter 536 to review, to  
14 delay the effective date, or to disapprove and annul a rule are  
15 subsequently held unconstitutional, then the grant of rulemaking  
16 authority and any rule proposed or adopted after August 28, 2004,  
17 shall be invalid and void.

18 210.498. Any parent or legal guardian may have access to  
19 investigation records kept by the division regarding a decision  
20 for the denial of or the suspension or revocation of a license to  
21 a specific person to operate or maintain a foster home if such  
22 specific person does or may provide services or care to a child  
23 of the person requesting the information. The request for the  
24 release of such information shall be made to the division  
25 director or the director's designee, in writing, by the parent or  
26 legal guardian of the child and shall be accompanied with a  
27 signed and notarized release form from the person who does or may  
28 provide care or services to the child. The notarized release

1 form shall include the full name, date of birth and Social  
2 Security number of the person who does or may provide care or  
3 services to a child. The response shall include only information  
4 pertaining to the nature and disposition of any denial,  
5 suspension or revocation of a license to operate a foster home.  
6 This response shall not include any identifying information  
7 regarding any person other than the person to whom a foster home  
8 license was denied, suspended or revoked. The response shall be  
9 given within ten working days of the time it was received by the  
10 division.

11 210.565. 1. Whenever a child is placed in a foster home  
12 and the court has determined pursuant to subsection 3 of this  
13 section that foster home placement with relatives is not contrary  
14 to the best interest of the child, the children's division shall  
15 give foster home placement to relatives of the child.  
16 Notwithstanding any rule of the division to the contrary, the  
17 children's division shall make diligent efforts to locate the  
18 grandparents of the child and determine whether they wish to be  
19 considered for placement of the child. Grandparents who request  
20 consideration shall be given preference and first consideration  
21 for foster home placement of the child. If more than one  
22 grandparent requests consideration, the family support team shall  
23 make recommendations to the juvenile or family court about which  
24 grandparent should be considered for placement.

25 2. As used in this section, the term "relative" means a  
26 grandparent or any other person related to another by blood or  
27 affinity within the third degree. The status of a grandparent  
28 shall not be affected by the death or the dissolution of the

1 marriage of a son or daughter.

2 3. The following shall be the order or preference for  
3 placement of a child under this section:

4 (1) Grandparents and relatives;

5 (2) A trusted adult that has a preexisting relationship  
6 with the child, such as a godparent, teacher, neighbor, or fellow  
7 parishioner who voluntarily agrees to care for the child; and

8 (3) Any foster parent who is currently licensed and capable  
9 of accepting placement of the child.

10 4. The preference for placement and first consideration for  
11 grandparents or preference for placement with other relatives  
12 created by this section shall only apply where the court finds  
13 that placement with such grandparents or other relatives is not  
14 contrary to the best interest of the child considering all  
15 circumstances. If the court finds that it is contrary to the  
16 best interest of a child to be placed with grandparents or other  
17 relatives, the court shall make specific findings on the record  
18 detailing the reasons why the best interests of the child  
19 necessitate placement of the child with persons other than  
20 grandparents or other relatives.

21 5. Recognizing the critical nature of sibling bonds for  
22 children, the children's division shall make reasonable efforts  
23 to place siblings in the same foster care, kinship, guardianship,  
24 or adoptive placement, unless doing so would be contrary to the  
25 safety or well-being of any of the siblings. If siblings are not  
26 placed together, the children's division shall make reasonable  
27 efforts to provide frequent visitation or other ongoing  
28 interaction between the siblings, unless this interaction would

1 be contrary to a sibling's safety or well-being.

2 [4.] 6. The age of the child's grandparent or other  
3 relative shall not be the only factor that the children's  
4 division takes into consideration when it makes placement  
5 decisions and recommendations to the court about placing the  
6 child with such grandparent or other relative.

7 [5.] 7. For any Native American child placed in protective  
8 custody, the children's division shall comply with the placement  
9 requirements set forth in 25 U.S.C. Section 1915.

10 [6.] 8. A grandparent or other relative may, on a  
11 case-by-case basis, have standards for licensure not related to  
12 safety waived for specific children in care that would otherwise  
13 impede licensing of the grandparent's or relative's home. In  
14 addition, any person receiving a preference may be licensed in an  
15 expedited manner if a child is placed under such person's care.

16 [7.] 9. The guardian ad litem shall ascertain the child's  
17 wishes and feelings about his or her placement by conducting an  
18 interview or interviews with the child, if appropriate based on  
19 the child's age and maturity level, which shall be considered as  
20 a factor in placement decisions and recommendations, but shall  
21 not supersede the preference for relative placement created by  
22 this section or be contrary to the child's best interests.

23 210.617. 1. There is hereby created within the department  
24 of social services the "Missouri State Foster Care and Adoption  
25 Board", which shall provide consultation and assistance to the  
26 department and shall draft and provide an independent review of  
27 the children's division policies and procedures related to the  
28 provision of foster care and adoption in Missouri. Additionally,

1 the board shall determine the nature and content of in-service  
2 training which shall be provided to foster and adoptive parents  
3 in order to improve the provision of foster care and adoption  
4 services to children statewide consistent with section 210.566.

5 The board shall be comprised of foster and adoptive parents as  
6 follows:

7 (1) Two members from each of the seven children's division  
8 areas within the department of social services delineated as  
9 follows:

10 (a) The northwest region;

11 (b) The northeast region;

12 (c) The southeast region;

13 (d) The southwest region;

14 (e) The Kansas City region;

15 (f) The St. Louis area region;

16 (g) The St. Louis City region;

17 (2) Area members shall be appointed by the governor, with  
18 the advice and consent of the senate, based upon recommendations  
19 by regional foster care and adoption boards, or other similar  
20 entities.

21 2. Statewide foster care and adoption association  
22 representatives shall be voting members of the board as approved  
23 by the board.

24 3. All members of the board shall serve for a term of at  
25 least two years. Members may be reappointed to the board by  
26 their entities for consecutive terms. All vacancies on the board  
27 shall be filled for the balance of the unexpired term in the same  
28 manner in which the board membership which is vacant was

1 originally filled.

2 4. Each member of the board may be reimbursed for actual  
3 and necessary expenses incurred by the member in performance of  
4 his or her official duties. All reimbursements made under this  
5 subsection shall be made from funds within the department of  
6 social services' children's division budget.

7 5. All business transactions of the board shall be  
8 conducted in public meetings in accordance with sections 610.010  
9 to 610.030.

10 6. The board shall elect officers from the membership  
11 consisting of a chairperson, co-chairperson, and secretary.  
12 Officers shall serve for a term of two years. The board may  
13 elect such other officers and establish such committees as it  
14 deems appropriate.

15 7. The board shall establish such procedures necessary to:

16 (1) Review children's division proposed policy and provide  
17 written opinions and recommendations for change to the children's  
18 division within thirty days of receipt of the proposed policy;

19 (2) Provide draft policy suggestions, at the request of the  
20 children's division or in response to issues by the board, to the  
21 children's division for improvements in foster care or adoption  
22 practice; and

23 (3) Fulfill its statutory requirement in accordance with  
24 section 210.566 to determine the content of in-service training  
25 to be provided by the children's division to foster and adoptive  
26 parents.

27 8. The board shall provide to the director of the  
28 department of social services, the governor, the office of the

1 child advocate, and upon request, members of the general  
2 assembly, a written report of annual activities conducted and  
3 made.

4 9. The board shall exercise its powers and duties  
5 independently of the children's division within the department of  
6 social services in order to ensure partnership and accountability  
7 in the provision of services to the state's children affected by  
8 abuse and neglect. Budgetary, procurement, and accounting  
9 functions shall continue to be performed by the children's  
10 division.

11 453.600. 1. There is hereby created in the state treasury  
12 the "Foster Care and Adoptive Parents Recruitment and Retention  
13 Fund" which shall consist of all gifts, donations, transfers, and  
14 moneys appropriated by the general assembly, and bequests to the  
15 fund. The fund shall maintain no more than the total of the last  
16 two years of funding or a minimum of three hundred thousand  
17 dollars, whichever is greater. The fund shall be administered by  
18 the foster care and adoptive parents recruitment and retention  
19 fund board created in subsection 3 of this section.

20 2. The state treasurer shall be custodian of the fund and  
21 may approve disbursements from the fund in accordance with  
22 sections 30.170 and 30.180. Notwithstanding the provisions of  
23 section 33.080 to the contrary, any moneys remaining in the fund  
24 at the end of the biennium shall not revert to the credit of the  
25 general revenue fund. The state treasurer shall invest moneys in  
26 the fund in the same manner as other funds are invested. Any  
27 interest and moneys earned on such investments shall be credited  
28 to the fund.



1       3. There is hereby created the "Foster Care and Adoptive  
2 Parents Recruitment and Retention Fund Board" within the  
3 department of social services. The board shall consist of the  
4 following members or their designees:

5       (1) The director of the department of social services;

6       (2) The director of the department of mental health;

7       (3) The director of the department of health and senior  
8 services;

9       (4) The following six members to be appointed by the  
10 director of the department of social services:

11       (a) Two representatives of a recognized foster parent  
12 association;

13       (b) Two representatives of a licensed child-placing agency;  
14 and

15       (c) Two representatives of a licensed residential treatment  
16 center.

17  
18 Members appointed under subdivision (4) of this subsection shall  
19 serve three-year terms, subject to reappointment. Of the members  
20 initially appointed, three shall be appointed for a two-year term  
21 and three shall be appointed three-year terms. All members of  
22 the board shall serve without compensation but shall, subject to  
23 appropriation, be reimbursed for reasonable and necessary  
24 expenses actually incurred in the performance of their official  
25 duties as members of the board. The department of social  
26 services shall, with existing resources, provide administrative  
27 support and current staff as necessary for the effective  
28 operation of the board.

1       4. Upon appropriation, moneys in the fund shall be used to  
2 grant awards to licensed community-based foster care and adoption  
3 recruitment programs. The board shall establish guidelines for  
4 disbursement of the fund to certain programs. Such programs  
5 shall include, but not be limited to, recruitment and retention  
6 of foster and adoptive families for children who:

7       (1) Have been in out-of-home placement for fifteen months  
8 or more;

9       (2) Are more than twelve years of age; or

10       (3) Are in sibling groups.

11  
12 Moneys in the fund shall not be subject to appropriation for  
13 purposes other than those of evidence-based foster care and  
14 adoption programs as designated by the board established under  
15 this section.

16       5. Under section 23.253 of the Missouri sunset act:

17       (1) The provisions of the new fund authorized under this  
18 section shall automatically sunset six years after August 28,  
19 2011, unless reauthorized by an act of the general assembly; and

20       (2) If such fund is reauthorized, the fund authorized under  
21 this section shall automatically sunset twelve years after the  
22 effective date of the reauthorization of this section; and

23       (3) This section shall terminate on December thirty-first  
24 of the calendar year immediately following the calendar year in  
25 which the fund authorized under this section is sunset.